

Application No.: 09/550,686
Attorney Docket No. 2000-0026

REMARKS

Reconsideration and allowance are respectfully requested. Upon entry of this amendment, claims 1, 3-5, 8-10 and 21 - 25 will be pending.

Rejection of Claims 1, 3 - 12 and 14 - 20 Under Section 103

The Examiner rejects claims 1, 3 - 12 and 14 - 20 under Section 103 in view of U.S. Patent No. 6,327,343 to Epstein et al. ("Epstein et al."). Applicants have amended the claims and submit that the claims are patentable over Epstein et al. Claims 6, 7, 11 - 12 and 14 - 20 are cancelled rendering these rejections moot.

We first turn to claim 1. Claim 1 recites a method for indexing voice mail messages comprising receiving one or more voice mail messages from one or more callers, determining the identity of each of the one or more callers, and tagging each of the voice mail messages with the respective identity of the caller for each respective voice mail message. When the identity of the caller of a voice mail message cannot be determined, the method comprises tagging that voice mail message as unknown and receiving an identity of the unknown message caller from a voice mail subscriber.

The Examiner concedes that Epstein et al. do not teach receiving a speaker label from a voice mail subscriber for a voice mail message tagged as unknown. Claim 1 recites receiving an identity of the unknown message caller from a voice mail subscriber. Applicants submit that Epstein et al. do not teach this step. The Examiner notes col. 7 and col. 8 as teaching a similar concept. However, as shall be pointed out below, Epstein et al. discuss several ways of handling messages from unknown callers but do not suggest or imply receiving the identity of an unknown caller from a voice mail subscriber.

Col. 7, lines 55 - 67 state:

If, on the other hand, the identity of the caller ultimately cannot be identified, the system 10 may be programmed to process the call based on an unknown caller (step 154) by, e.g., forwarding the call to a voice mail. Such programming, to be further explained, is performed by the user 12 through the programming interface module 38. As stated above, the processing options which the system 10 may be programmed to

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perform include, but are not limited to, switching the call to another system, directing the call to another telecommunication terminal (FIGS. 1 and 2, block 18) or directly handling the call by either connecting the call to a particular party, disconnecting the call, or placing the call on hold (FIGS. 1 and 2, block 16).

Applicants note that this portion of Epstein et al. discloses "processes" that may be programmed to handle unknown callers. The steps listed include forwarding the call to voicemail if the caller is un-identified, disconnecting the call or placing the call on hold. None of these processes that are disclosed for processing a call from an unknown caller suggest seeking to identify the identity of the caller in any way. There are several differences between this disclosure and claim 1.

First, claim 1 recites indexing voice mail messages. The above-listed portion of Epstein et al. only discloses forwarding a message to voice mail if the caller's identity cannot be determined. Epstein et al. therefore teach that before the call is transmitted to voicemail, the system determines that it cannot identify the caller. In claim 1, the context is already in voicemail whether the system can identify the caller or not.

Second, as mentioned above, there is no suggestion here in Epstein et al. to seek to identify the caller if the caller's identity cannot be obtained. Because the only processing includes places to route the call, Applicants submit that for this reason and the other reasons set forth above, there is no suggestion or obvious reason given this disclosure include a step, when the identity of the caller of a voice mail message cannot be determined, tagging that voice mail message as unknown and receiving an identity of the unknown message caller from a voice mail subscriber.

The Examiner further cites col. 8, lines 15 - 22 to conclude that Epstein et al. teaches this last step of claim 1. However, this portion of Epstein et al. simply teaches that the system can be programmed to store the name and originating phone number of each caller (or specified callers) so that the user can automatically send reply messages to the callers. This necessarily assumes that the system can identify the name (via voice recognition as is taught

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in the system) and phone number via some other method like caller-ID for the "system" to be programmed to store and name and phone numbers. This differs from the invention of claim 1 because claim 1 requires the voice mail subscriber to provide the identity of the unknown person who left a voicemail message. There is no suggestion based on Epstein et al. to involve the voice mail subscriber to personally have to identify the person who left any message where Epstein et al. discloses performing this task via programming the system. Further, one of skill in the art would likely conceive of such a requirement as taking longer and being more difficult for the user than having the system automatically store the name and originating phone number of the caller.

Applicants note that the MPEP, Section 2141.02 requires the Examiner to consider the prior art in its entirety, including portions of the disclosure that teach away from the claims. In this case, there are parts of Epstein et al. that urge one of skill in the art away from interaction of the system with the voice mail subscriber. In the Background of the invention, col. 1, starting at line 14, they state that "conventional" phone services and answering machines are played back by the user and are not capable of handling automatically the calls or message. Epstein et al. set up the problem of the user being required to manually participate in the process of answering the call or listening to a voice mail message. In the Summary of the invention, col. 1, line 45, they state that "It is therefore an object of the present invention to provide a system and methods for *automatic* call and data transfer processing in accordance with the pre-determined manner based on the identity of the caller or author, the subject matter of the call or message and/or time of day." (emphasis added).

Clearly, the purpose of the disclosure of Epstein et al. as articulated by them is to remove the manual user interaction with a call processing system. When this stated purpose and *object* of their invention is understood, Applicants submit that the disclosure at cols. 7 and 8 of Epstein et al. do not suggest to one of skill in the art that such interaction by the

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voice mail subscriber is obvious. Epstein et al. clearly teach away from this limitation of claim 1 when their disclosure is considered as a whole as is required by the MPEP.

For these reasons, Applicants submit that Epstein et al. fail to teach each limitation of claim 1 and furthermore, one of skill in the art would not find it obvious to add this feature of the invention to the teachings of Epstein et al.

Claims 3 - 5 and 8 - 10 each depend from claim 1 and recite further limitations therefrom.

New claims 21 - 25 each include the limitation discussed above which requires the voice mail subscriber to interact with the system to provide the identification of a speaker of an unidentified voice mail message. For the reasons set forth above, each of claims 21 - 25 is patentable and in condition for allowance over Epstein et al.

CONCLUSION

Having addressed the rejection of each of the claims, Applicants respectfully submit that the present application in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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